

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LASER DESIGN INTERNATIONAL, LLC;
NORWOOD OPERATING COMPANY,

Plaintiffs,

v.

BJ CRYSTAL, INC, a California corporation;
CASHMAN PHOTO ENTERPRISES OF
NEVADA, a Nevada corporation; CRYSTAL
MAGIC, INC., a Florida Corporation; U.C.
LASER, INC., a New Jersey corporation;
VITRO LASER GROUP U.S.A., INC., a
Nevada corporation; JIMAC MARKETING
INC., a Canadian corporation; CONCORD
INDUSTRIES, INC., a Connecticut
corporation; C. STIEFELMAYER GMBH &
Co. KG, a German limited partnership;
CERION GMBH, a German limited liability
company; CRYSTAL CAPTURE INC., a
Texas corporation; CRYSTAL CAPTURE
INTERNATIONAL, LLC, a Nevada limited
liability company; G.W. PARTNERS
INTERNATIONAL, INC., a California
corporation; HIRSCH GIFT INC., a Texas
corporation; VISIONS IN CRYSTAL, INC., a
California corporation; VITRO LASER
GMBH, a German limited liability company,

Defendants.

AND RELATED COUNTERCLAIMS

Lead Case No. C 03-1179 JSW
Consolidated with No. C 03-3905 JSW

**ORDER RE MOTION TO
STRIKE, MOTION FOR LEAVE
TO SERVE, AND MOTION FOR
SUMMARY JUDGMENT**

On December 20, 2006 the Court issued an order in which it construed Defendants' motion for leave to serve an expert rebuttal report after the deadline as an opposition to

1 Plaintiff's motion to strike the declarations of Eric Van Stryland and Steven M. Rhodes. The
2 Court set a deadline of January 5, 2007 for Plaintiff to file a reply brief in support of its motion
3 to strike, and to respond to Defendants' evidence and argument regarding the expert rebuttal
4 report. Defendants contend that their motion for leave and Plaintiff's motion to strike address
5 separate issues and seek leave to have both motions briefed and heard in conjunction with
6 Plaintiff's motion for summary judgment.

7 The Court HEREBY VACATES its previous order construing Defendants' motion for
8 leave as an opposition to the pending motion to strike and setting a deadline of January 5, 2007
9 for Plaintiff to respond and/or file a reply brief. The Court FURTHER ORDERS that the
10 hearing on Plaintiff's motion for summary judgment is CONTINUED to March 2, 2007 at 9:00
11 a.m. Defendants may file an opposition to Plaintiff's motion to strike, and Plaintiff may file an
12 opposition to Defendants' motion for leave, by no later than January 17, 2007. Defendants and
13 Plaintiff may file their respective replies, if any, by no later than January 24, 2007. The Court
14 will hear these motions in conjunction with Plaintiff's motion for summary judgment on March
15 2, 2007.

16 **IT IS SO ORDERED.**

17
18 Dated: January 3, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE